FILED

FEB 24 1975

MICHAEL RODAK, JR., CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1973

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No. 73-6033

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SHARON ROE AND DOROTHY POE, ON BEHALF OF THEMSELVES AND OTHERS SIMILARLY SITUATED, APPELLANTS

VS.

NICHOLAS NORTON, INDIVIDUALLY, AS COMMISSIONER OF WELFARE OF THE STATE OF CONNECTICUT, AND ON BEHALF OF OTHERS SIMILARLY SITUATED, APPELLEE

****

ON APPEAL FROM THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF CONNECTICUT

****

SECOND SUPPLEMENTAL BRIEF OF APPELLANTS

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FRANK COCHRAN
CONNECTICUT CIVIL LIBERTIES UNION FOUNDATION, INC.
57 Pratt Street
Hartford, Connecticut

ATTORNEY FOR APPELLANTS

Appellants wish to notify the Court of 1974 amendments to several Connecticut statutes involved in this case. The amendments are of marginal if any relevance to the issues raised in this appeal, and are noted here for the single purpose of updating the record.

Public Act (P. A.) 74-183, effective January 1, 1975, consolidated what had been the Circuit Court into the Court of Common Pleas. Thus, all matters over which the Circuit Court had previously had jurisdiction are now brought before the Court of Common Pleas. Thus, petitions under the statute at issue, Connecticut General Statutes (C. G. S.) Section 52-440b, are now brought to the Court of Common Pleas. The statute now reads:

> (a) If the mother of any child born out of wedlock, or the mother of any child born to any married woman during marriage which child shall be found not to be issue of the marriage terminated by a divorce or dissolution decree or by decree of any court of competent jurisdiction, fails to or refuses to disclose the name of the putative father of such child under oath to the welfare commissioner, if such child is a recipient of public assistance, or to a selectman of a town in which such child resides, if such child is a recipient of general assistance, or otherwise to a guardian or guardian ad litem of such child, such mother may be cited to appear before any judge of the ~~circuit~~ court of common pleas and compelled to disclose the name of the putative father under oath and to institute an action to establish the paternity of said child.
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> (b) Any woman who, having been cited to appear before a judge of the ~~circuit~~ court of common pleas pursuant to subsection (a), fails to appear or fails to disclose or fails to prosecute a paternity action may be found to be in contempt of said court and may be fined not more than two hundred dollars or imprisoned not more than one year or both.

Jurisdiction over support petitions brought under C.G.S. Section 17-326 (P. A. 74-183, Section 216) or 17-324 (P.A. 74-183, Section 217) are also brought to the Court of Common Pleas, and all circuit court judges become judges of the Court of Common Pleas.

Section 54-91a, which provided for appointment of counsel in criminal matters pending in the circuit court was repealed and replaced by P. A. 74-317 Section 7, which authorizes appointment of a public defender in the Court of Common Pleas to represent indigents in " any criminal action, in any habeas

corpus proceeding arising from a criminal matter, in any extradition proceeding or in any juvenile court matter..." There remains no statutory authority for appointment of counsel for mothers summoned under Section 52-440b, however under C. G. S. Section 45-54 there may now be such appointment, at the discretion of the judges, for children.

APPELLANTS

BY _____
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THEIR ATTORNEY

This is to certify that on the 24th day of February, 1975, copies of the foregoing Second Supplemental Brief of Appellants were mailed postage prepaid, and/or delivered personally to Carl Ajello, Attorney General by his Assistant Attorney General Michael Anthony Arcari, 90 Brainard Road, Hartford, Connecticut, and David Rosen and Edwar Dolan, Rosen and Dolan, 265 Church Street, New Haven, Connecticut.